

Matthew Franklin Jaksa (CA State Bar No. 248072)
HOLME ROBERTS & OWEN LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105-2994
Telephone: (415) 268-2000
Facsimile: (415) 268-1999
Email: matt.jaksa@hro.com

Attorneys for Plaintiffs,
WARNER BROS. RECORDS INC.;
VIRGIN RECORDS AMERICA, INC.;
BMG MUSIC; MAVERICK
RECORDINGS COMPANY;
INTERSCOPE RECORDS; SONY BMG
MUSIC ENTERTAINMENT; and ARISTA
RECORDS LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WARNER BROS. RECORDS INC., a Delaware
corporation; VIRGIN RECORDS AMERICA,
INC., a California corporation; BMG MUSIC, a
New York general partnership; MAVERICK
RECORDINGS COMPANY, a California joint
venture; INTERSCOPE RECORDS, a California
general partnership; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; and ARISTA RECORDS LLC, a
Delaware limited liability company,
Plaintiffs,

v.

JOHN DOE,
Defendant.

CASE NO. C 07-03094 JCS

Honorable Joseph C. Spero

***EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND EXTEND TIME TO SERVE
DEFENDANT AND [PROPOSED] ORDER***

1 Plaintiffs hereby request that the Court continue the case management conference currently
 2 set for September 21, 2007, at 1:30 p.m. to December 21, 2007. Plaintiffs further request that,
 3 pursuant to the Federal Rules of Civil Procedure, Rules 4(m) and 6(b)(1), that Plaintiffs' time to
 4 serve the Summons and Complaint on Defendant John Doe ("Defendant") be extended from October
 5 11, 2007 to January 9, 2008.

6 Plaintiffs filed the Complaint against Defendant on June 13, 2007. Also on June 13, 2007,
 7 Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery seeking the
 8 Court's permission to serve a Rule 45 subpoena on University of California, Berkeley ("UC
 9 Berkeley"). On June 26, 2007, this Court issued its Order Granting Plaintiffs' *Ex Parte* Application
 10 for Leave to Take Immediate Discovery authorizing Plaintiffs to serve a Rule 45 subpoena on UC
 11 Berkeley so that Plaintiffs could seek information sufficient to identify Defendant.

12 UC Berkeley has responded to Plaintiffs' subpoena, and Plaintiffs have now determined the
 13 identity of defendant. Plaintiffs are attempting to contact Defendant regarding settlement before
 14 amending the Complaint to name Defendant, and have sent Defendant a letter to that effect.
 15 Therefore, a case management conference is unnecessary at this time. Plaintiffs request that the
 16 Court continue the case management conference currently set for September 21, 2007, at 1:30 p.m.
 17 to December 21, 2007. Given the foregoing circumstances, and because the original time period for
 18 Plaintiffs to serve the Summons and Complaint on Defendant will expire on October 11, 2007,
 19 Plaintiffs further request that Plaintiffs' time to serve the Summons and Complaint on Defendant be
 20 extended to January 9, 2008.

21 Dated: September 11, 2007

HOLME ROBERTS & OWEN LLP

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 23 By: /s/ Matthew Franklin Jaksa
 24 MATTHEW FRANKLIN JAKSA
 25 Attorney for Plaintiffs
 26 WARNER BROS. RECORDS INC.;
 27 VIRGIN RECORDS AMERICA, INC.;
 28 BMG MUSIC; MAVERICK
 RECORDINGS COMPANY;
 INTERSCOPE RECORDS; SONY BMG
 MUSIC ENTERTAINMENT; and
 ARISTA RECORDS LLC

ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for September 21, 2007, at 1:30 p.m. be continued to December 21, 2007.

IT IS FURTHER ORDERED that, pursuant to the Federal Rules of Civil Procedure, Rules 4(m) and 6(b), Plaintiffs' time to serve the summons and complaint on Defendant is hereby extended to January 9, 2008.

Dated: _____

By: _____
Honorable Joseph C. Spero
United States Magistrate Judge